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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,777	01/06/2000	JOANNE S. WALTER	8998	2149

7590

06/05/2002

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EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 06/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/478,777

Applicant(s)

WALTER, JOANNE S.

Examiner

Igor Borissov

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9,12-17 and 20 is/are rejected.
- 7) ☒ Claim(s) 2,3,10,11,18 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz (U. S. 6,155,486) in view of Sato (U. S. 5,949,854).

As per **claim 1, 9 and 17**,

Lutz teaches to method and apparatus for operating a self-service checkout terminal, comprising:

- generating a first voice instruction which instructs a user in regard to operation of the retail terminal (voice generating device generates instruction to guide a customer to scan an item) (column 6, lines 24-29; column 7, lines 26-27);
- determining if said user performs a first activity and generating a proper-response control signal (post-scan scale generates an output signal indicative of the weight increase) (column 6, lines 60-66);
- generating a second voice instruction which instructs a user in regard to operation of the retail terminal if a predetermined amount of time lapses subsequent to generation of the first voice instruction, but prior to generation of the proper-response control signal (column 8, lines 61-64; column 9, lines 33-40).

Art Unit: 3629

Lutz does not specifically teach to a voice type and voice inflection level of voice instructions.

Sato teaches to a voice response service apparatus, comprising a tone controller for selecting a tone of the voice responses, and an intonation generating portion for generating the intonation pattern (Abstract; column 9, lines 38-45).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lutz to include a tone selection capability because it would improve the performance of the system by alerting customer of his improper interaction with the system by changing the voice tone and intonation of the instructions.

As per **claims 4, 12 and 20**, Lutz teaches all the limitations of the **claims 4, 12 and 20**, except volume level of voice instructions. Sato teaches to a voice response service apparatus, comprising a volume controller which sets a volume level of a voice response (Abstract).

As per **claims 5, 7, 13, 15 and 20**, Lutz teaches all the limitations of the **claims 5, 7, 13, 15 and 20**, except voice inflection and pitch level of voice instructions. Sato teaches to a voice response service apparatus, comprising an intonation generating portion which generates the intonation pattern indicating the voice pitch (column 9, lines 38-45).

As per **claims 6, 8, 14 and 16**, Lutz teaches all the limitations of the **claims 6, 8, 14 and 16**, except the tone of the voice and that the voice of instructions is human. Sato teaches to a voice response service apparatus, comprising a tone controller wherein voice quality of the voices can be at least one of a male voice and a female voice (Abstract; column 3, lines 9-11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lutz to include a volume level, tone, inflection and pitch selection

Art Unit: 3629

capability because it would improve the performance of the system by alerting customer of his improper interaction with the system by changing the voice characteristics of the instructions.

Claims 2, 3, 10, 11, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

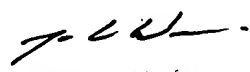
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or faxed to:

(703) 305-7687 [Official communications; including
After Final communications labeled
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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.


John G. Weiss
Supervisor, Examiner
6/2/09